THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.1370 of 2004

21.12.2005

Between:

Kolli Sathyanarayana, S/o.K.Sambasiva Rao

And others

... Petitioners

AND

The Station House Officer, Karampudi P.S. Guntur District

And others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1370 of 2004

ORDER:

The five petitioners are workers of Sri Chakra Cements and are office bearers of Sri Chakra Cements and Staff Workers Union. They allege that they are implicated in crime No.45 of 2002 under Sections 147, 148, 452, 326, 307, 506, 436, 427 read with 149 of Indian Penal Code, 1860 (IPC) and Section 5(1)(a) of Arms Act. It appears, in the crime, it was alleged that on 27.8.2002 at about 6.00 a.m. one Abbavarapua Chinna Reddappa lodged a complaint with P.S. Karampudi, the first respondent herein, alleging that the petitioners along with naxalites belonging to C.P.I. (Marxist) P.W. came to the factory premises, called the President, G.M., D.G.M., and beat them severely and burnt the vehicles. While the investigation is pending, the petitioners allege that the respondents declared the petitioners as militants. Aggrieved by which, the petitioners filed by the present writ petition

seeking a declaration that the action of the respondents in listing the petitioners as militants in the Bollapally Local Guerilla Squad as illegal and arbitrary.

Even when the matter was coming for admission, the learned Counsel for the petitioners was absent. However, this Court admitted the writ petition having regard to the nature of the subject matter. Again when the matter was listed on 30.1.2004 and on 14.9.2005, the learned Counsel for the petitioners was absent. Today also, when the matter is coming up for final hearing, the learned Counsel for the petitioners is absent and there is no representation.

The first respondent has filed a counter affidavit. It is admitted that a crime is registered against the petitioners on a complaint given by the Security Officer of M/s.Sri Chakra Cements. The other allegations are denied. It is further stated as under.

> The contention that the names of the petitioners as militants is affixed on the walls of the streets, describing the petitioners as underground cadre and calling them to surrender before the police, is incorrect. It is a fact that the second respondent herein reliably came to know that the petitioners are having connection with the PWG and they are closely associating with the Bollapally Local Guerilla Squad. The second respondent has treated the petitioners as militants. The second respondent never declared the petitioners as militants, as stated by the petitioner in the affidavit. In the official records, it is recorded as militants in the interests of public safety to keep watch on their movements. I submit that the action taken by the second respondent is legally valid. No such list was ever published by any of the authorities in Guntur District. The alleged list is a confidential one.

The counter affidavit is filed before this Court on 31.3.2004 but no reply affidavit is filed. A reading of the counter affidavit especially above passage would show that the second respondent never declared the petitioners as militants. However, for the purpose of official records, the petitioners are being treated as militants having nexus with naxalites so as to keep surveillance on them. Indeed, as rightly pointed out by the learned Government Pleader for Home, there is no such law in Andhra Pradesh, which enables the police to declare a person as militant and therefore, the petitioners allegation cannot be considered as legally sound.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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December 21, 2005. (**V.V.S.RAO,J**)

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